

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

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|--|---|------------------------------|
| TIMOTHY W. REPASS and WILLIAM | § | |
| SCOTT McCANDLESS, Individually | § | |
| and On Behalf of All Others Similarly | § | |
| Situated, | § | Civil Action No. |
| | § | |
| Plaintiff, | § | MO:18-CV-00107-DC-RCG |
| | § | |
| v. | § | |
| | § | |
| TNT CRANE AND RIGGING, INC. | § | |
| | § | |
| Defendant. | § | |

ORDER ON PLAINTIFFS' MOTION FOR PROTECTIVE ORDER AND FOR A REPRESENTATIVE DISCOVERY PLAN

On this day, the Court considered the Plaintiffs’ Motion for Protective Order and for Representative Discovery Plan (the “Plaintiffs’ Motion”). This case is before the undersigned through an Order pursuant to 28 U.S.C. § 636 and Appendix C of the Local Court Rules for the Assignment of Duties to United States Magistrate Judges. After due consideration of the pleadings and evidence on file, the Court, finding good cause, hereby **GRANTS** Plaintiffs’ Motion in its entirety.

It is therefore **ORDERED** that Defendant's outstanding written discovery propounded on all Plaintiffs in this case is hereby quashed.

The Court further **ORDERS** that, going forward, the Parties shall adhere to the following representative discovery plan:

Defendant is expressly limited to using the written discovery responses of six of the 33 opt-in Plaintiffs (which represents approximately 18.18% of the total number of opt-in Plaintiffs), selected at random or chosen half by Plaintiff and half by Defendant. The Parties shall identify

those six opt-in Plaintiffs within seven (7) days of the date of this Order. Going forward, Defendant shall be specifically limited to using—either in motion practice or at trial—only the written discovery responses of these six opt-in Plaintiffs among the responses that Plaintiffs have already served.

It is further **ORDERED** that Defendant may depose the six opt-in Plaintiffs identified pursuant to the preceding paragraph, but it is expressly prohibited from deposing additional Plaintiffs without leave of Court and upon good cause shown.

It is further **ORDERED** that depositions of opt-in Plaintiffs shall last no longer than two hours, except for good cause shown as to a specific deposition.

It is so ordered.

Signed this ____ day of _____, 2020.

RONALD C. GRIFFIN
UNITED STATES MAGISTRATE JUDGE